



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

- | | |
|--|---|
| <ul style="list-style-type: none"> • Invocation and Pledge of Allegiance • Presentations • Summary of Current Events • Liquor license applications • Consent Agenda | <ul style="list-style-type: none"> • Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing. • Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour. • Other Mayor and Council business as listed on the agenda for the meeting. |
|--|---|

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name, address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker".
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Steve Leal – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Karin Uhlich **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Nina J. Trasoff **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Wednesdays – 9:00 p.m. Thursdays – 9:00 a.m. Sundays – 9:00 a.m.
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting which will be open to the public:

REGULAR MEETING

TUESDAY, DECEMBER 13, 2005 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Lujet McCullough, First United Methodist Church

PLEDGE OF ALLEGIANCE – The Pledge will be led by Brownie and Junior Girl Scout Troop 390

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager DEC13-05-660 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager DEC13-05-661 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager DEC13-05-659 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Caffe Milano, Ward 1
47 W. Congress
Applicant: Maria B. Borella
Series 12, City 101-05
Action must be taken by: December 24, 2005

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Location Transfer

- 2. Wild Noodles, Ward 3
2990 N. Campbell Ave. #130
Applicant: Atul Jain
Series 07, City 99-05
Action must be taken by: December 17, 2005

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

- c. Special Event

- 1. Casa Support Council for Pima Co., Ward 2
3800 E. River Road
Applicant: Sharon L. Irvine
City T112-05
Date of Event: February 12, 2006
Fundraiser

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

1. Trader Joe's, Ward 6
1101 N. Wilmot Road
Applicant: H.J. Lewkowitz
City AC14-05
Action must be taken by: December 17, 2005

Staff has indicated the applicant is in compliance with city requirements.

2. Trader Joe's, Ward 6
4766 E. Grant Road
Applicant: H.J. Lewkowitz
City AC15-05
Action must be taken by: December 17, 2005

Staff has indicated the applicant is in compliance with city requirements.

3. Trader Joe's, Ward 3
4209 N. Campbell Avenue
Applicant: H.J. Lewkowitz
City AC16-05
Action must be taken by: December 17, 2005

Staff has indicated the applicant is in compliance with city requirements.

4. Guilin Restaurant, Ward 6
3250 E. Speedway Blvd.
Applicant: Sunny Kin Sun Wong
City AC18-05
Action must be taken by: December 30, 2005

Staff has indicated the applicant is in compliance with city requirements.

5. Szechuan Omei Restaurant, Ward 6
2601 E. Speedway
Applicant: Phong Huynh
City AC20-05
Action must be taken by: December 31, 2005

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

6. CONSENT AGENDA – ITEMS A THROUGH K

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. PUBLIC HEARING: ZONING (C9-02-32) A-C INVESTMENTS – AJO WAY, R-1/R-2/I-1 TO I-1, CHANGE OF PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM THE MEETING OF NOVEMBER 1, 2005)

- a. Report from City Manager DEC13-05-675 WARD 5
- b. Hearing on a request for a change of preliminary development plan for a rezoning site located on the northeast corner of the Kino Parkway and Ajo Way in the interior of the Kino/Ajo interchange. Applicant: Walter Hoge, on behalf of the property owner, Rio West Development & Construction, Inc.

The revised preliminary development plan proposes 107,200 square feet of office, warehouse, and convenience store/gas station uses on 8.5 acres.

Staff recommends approval of the requested change of preliminary development plan subject to the attached recommended conditions.

Deleted text is ~~striketrough~~ new text is underlined.

- 1. A development plan in substantial compliance with the preliminary development plan dated October 25, 2005, ~~November 11, 2002~~ and the Design Compatibility Report, is to be submitted and approved in accordance with the requirements of the *Land Use Code*.

2. The City of Tucson Department of Transportation shall approve a site design for Parcel 2 that demonstrates the south/north bound traffic lanes on the Kino Parkway ramp are safe, accessible, and maneuverable for large commercial vehicles, such as but not limited to semi-tractor trailers, which require servicing or delivering to this site, using the Kino Parkway ramp entrance.
3. All structures shall be a maximum of thirty-six (36) feet in height, and shall be comparable in building mass and setbacks with the adjacent Pima County Government Complex.
4. All primary activity shall occur within enclosed buildings.
5. Service bay doors on Parcel 2 shall be placed facing the interior of the site. Interior buildings shall be prohibited from locating service bay doors which are oriented toward the residential neighborhood, unless one of the following screening options has been installed:
 - a. The construction of an eight foot high masonry wall, along the entire northern and eastern perimeter; or
 - b. After completion of all perimeter buildings along the northern and eastern perimeter, interior buildings may locate service bay doors to the north or east after demonstrating that the service bay doors are screened from the residential neighborhood by the perimeter buildings.
6. The south, east, and north property lines shall include an embellished landscape buffer, comparable in depth, and shall match the density of trees, plants, shrubs, and groundcover material as established by the Pima County Juvenile Facility along Ajo Way. If the property is developed in phases, these improvements shall be completed with the first phase.
7. All noise-generating-uses, including but not limited to trash enclosures, loading zones, and outdoor mechanical equipment, shall be appropriately screened and located a minimum of fifty (50) feet from the northern and eastern property lines.
8. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.

9. Any continuous wall greater than seventy-five (75) feet in length and three (3) feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
10. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
11. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
12. Outdoor lighting shall be full cut-off – shielded and directed downward and away from residential uses, no more than twenty (20) feet in height from the eventual grade of the site measured to the light source.
13. Any access point to the parcels from Ajo Way shall be a minimum of 150 feet from the intersection of Interstate-10 and Kino Parkway access ramps as measured from the westernmost curb return from the access ramps to the easternmost curb return at the driveways to the parcels.
14. Dedication, or verification of the existence, of right-of-way as shown on the *Major Streets and Routes Plan* map, shall be provided, including all intersection widening, along all streets, including a thirty (30) foot radius spandrel at all street corners.
15. Right turn/deceleration lanes shall be provided at all access points.
16. Any existing curb cuts not approved for access shall be closed.
17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
18. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.
19. The development plan shall incorporate and show any proposed phases.

20. A traffic impact analysis shall be required.
21. Any additional modifications to the interchange or signalization required by the Traffic Impact Analysis shall be at no expense to the City or ADOT.
22. The owner/developer shall provide an Airport Disclosure Statement to run with the land, as required by the Tucson Airport Authority (TAA).
23. All conditions requiring improvements to the arterial road system set forth in this ordinance shall be in addition to any required roadway impact fees and shall not be eligible to be calculated as offsets against any impact fees.
24. The owner/developer shall pay an in lieu fee to the City of Tucson for the impact of the nonresidential development that shall be the equivalent to the nonresidential impact fees specified in Section 23A-81 or the Tucson Code without regard to the delayed implementation date set forth in Section 23A-86 (2) of the Tucson Code.

Zero (0) written approvals and zero (0) written protests have been received. A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

9. PUBLIC HEARING: GRANT-ALVERNON AREA PLAN AMENDMENT – PERRY HEATING AND COOLING – COMMERCIAL USES

- a. Report from City Manager DEC13-04-676 WARD 6
- b. Hearing on a request by the applicant, Sam Robinson, on behalf of the Perry Heating and Cooling to amend the *Grant-Alvernon Area Plan (GAAP)* to allow a site designated for neighborhood commercial uses along the Grant Road frontage and medium density residential within the neighborhood interior to be intensified to community commercial uses to allow construction service, parking, and storage activities. The property is located at 3256 and 3266 E. Grant Road.
- c. Resolution No. 20246 relating to planning and zoning; amending the *Grant-Alvernon Area Plan*; and declaring an emergency.

Staff recommends denial of the proposed amendment to the *Grant-Alvernon Area Plan* to allow community commercial use for construction service, parking, and storage at 3256 and 3266 E. Grant Road.

10. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23), THE LAND USE CODE; REGARDING BOTTLING PLANTS AND PERISHABLE GOODS MANUFACTURING

- a. Report from City Manager DEC13-05-668 CITY-WIDE
- b. Hearing on a proposed amendment to the Tucson Code, Chapter 23, the *Land Use Code (LUC)* to include Perishable Goods Manufacturing as an allowed use in the I-1, Light Industrial Zone. Applicant: Kalil Bottling and Pepsi-Cola Bottling companies request an amendment to the *Land Use Code (LUC)* that would remove their plants from non-conforming status within the I-1, Light Industrial zone in which the plants are located.
- c. Ordinance No. 10225 relating to Planning and Zoning; amending Tucson Code Chapter 23, Land Use Code, Article II, Zones, Division 7, Industrial Zones, Section 2.7.2 “I-1” Light Industrial Zone, by adding a new subsection 2.7.2.2.A.4.; and declaring an emergency.

The City Manager recommends that the Mayor and Council adopt the ordinance, which conforms to the Planning Commission’s recommendation of the proposed Code Amendment to add Perishable Goods Manufacturing as an allowed use in the I-1 zone.

11. ZONING: (C9-05-11) SHULTE – SPEEDWAY BOULEVARD SR TO O-3, ORDINANCE ADOPTION

- a. Report from City Manager DEC13-05-677 WARD 2
- b. Ordinance No. 10227 relating to zoning: amending zoning district boundaries in the area located on the south side of Speedway Boulevard, east of the Pantano Wash in Case C9-05-11, Shulte – Speedway Boulevard, SR to O-3; and setting an effective date.

12. REAL PROPERTY: DEVELOPMENT AGREEMENT WITH CONGRESS STREET REDEVELOPMENT, LLC FOR THE DEPOT PLAZA DEVELOPMENT PROJECT

- a. Report from City Manager DEC13-05-673 WARD 6
- b. Resolution No. 20245 relating to community services; approving and authorizing a Development Agreement with Congress Street Redevelopment, L.L.C., for the development of Depot Plaza Project; and declaring an emergency.

13. REAL PROPERTY: DEVELOPMENT AGREEMENT WITH PATHWAY HOLDINGS, LLC FOR THE SILVERBELL RESIDENTIAL SUBDIVISION

- a. Report from City Manager DEC13-05-672 WARD 1
- b. Resolution No. 20243 relating to real estate; authorizing and approving the execution of a Development Agreement between the City of Tucson and Pathway Holdings, L.L.C. for the construction of the Silverbell Residential Subdivision located at Silverbell Road and Goret Road; and declaring an emergency.

14. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS REGARDING THE HOPE VI MARTIN LUTHER KING REVITALIZATION PLAN

- a. Report from City Manager DEC13-05-671 WARDS 1 AND 6
- b. Resolution No. 20244 relating to Intergovernmental Agreements; approving the Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents for the design, development, and implementation of an evaluation tool to measure the effectiveness of the HOPE VI Martin Luther King Revitalization Plan; and declaring an emergency.

15. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS REGARDING A PREVENTIVE HEALTH MAINTENANCE PROGRAM FOR THE RESIDENTS OF THE MARTIN LUTHER KING APARTMENTS

- a. Report from City Manager DEC13-05-678 WARDS 1 AND 6
- b. Resolution No. 20248 relating to municipal housing; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents for a Mobile Health Program to provide a preventative health maintenance program to the residents of the HOPE VI Martin Luther King Revitalization Plan; and declaring an emergency.

16. REAL PROPERTY: VACATION OF RIGHTS-OF-WAY FOR THE DEPOT PLAZA DEVELOPMENT PROJECT

- a. Report from City Manager DEC13-05-670 WARD 6
- b. Ordinance No. 10226 relating to real property; vacating and declaring portions of certain city-owned rights-of-way located on 5TH Avenue, 10TH Street and Toole Avenue to be surplus property; and declaring an emergency.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager DEC13-05-658 CITY-WIDE

18. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, December 20, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.